IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Schiuma
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For:	Multi-Platform Application
Attorney Dkt. No.:	GB920000072US1
Art Unit:	2157
Examiner:	Coffy, E.
Conf. No.:	7715

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BRIEF OF APPELLANTS

This is an appeal from the Final Office Action dated January 3, 2006, rejecting claims 12-18 and 20.

REAL PARTY IN INTEREST

International Business Machines Corporation

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 12-18 and 20 remain pending, stand rejected, and form the basis of this appeal. Claims 1-11 and 19 have been cancelled.

STATUS OF AMENDMENTS

An After-Final Amendment was filed on March 2, 2006 and was entered by the Examiner for purposes of appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a system 100 (FIG. 2) for simulating a TCP/IP environment in an IPX/SPX network. The system 100 includes a request sender 18 for sending an IPX/SPX Routing Information Protocol (RIP) request packet over the Internet 14 to IPX subnets connected within a specified number of hops (page 10, line 20 to page 11, line 12), a responses collector 20 for receiving responses to the RIP request packet from the IPX subnets, each response having a response IPX NetNumber and a response number of hops (page 11, lines 1-11), and a responses filter 22 for filtering the responses to remove responses in which the response number of hops is greater than the specified number of hops to produce a set of network numbers (page 11, lines 9-15). The set of network numbers may be used to send an IPX/SPX packet over the Internet to a subnet included within the set of network numbers.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 12-18 and 20 are unpatentable under 35 U.S.C. 103(a) over Kraslavsky (U.S. Patent No. 5,699,350) in view of Rune (U.S. Patent No. 6,304,913), Chen et al. (U.S. Patent No. 6,549,882), hereafter "Chen," and Jorgensen (U.S. Patent No. 6,862,622), hereafter "Jorgensen."

ARGUMENT

(1) Rejection of claims 12-18 and 20 under 35 U.S.C. 103(a) over Kraslavsky in view of Rune, Chen, and Jorgensen.

Appellant submits that that the rejection under 35 U.S.C. §103(a) is clearly not proper and without basis because the references, taken alone or in any combination, fail to teach or suggest each and every feature of the claimed invention as required by 35 U.S.C. 103(a). Further, there is no motivation to combine the teachings of Kraslavsky and Rune in the manner suggested by the Examiner.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With reference to claim 12, the Examiner alleges that Kraslavsky discloses a "request sender for sending an IPX/SPX Routing Information Protocol (RIP) request packet over the Internet to IPX subnets connected within a specified number of hops." Kraslavsky, column 13, lines 1-27; column 14, lines 37-47. Appellant disagrees and submits that Kraslavsky fails to teach or suggest a "request sender for

sending an IPX/SPX Routing Information Protocol (RIP) request packet **over the Internet** to IPX subnets connected within a specified number of hops." On the contrary, Kraslavsky is directed to a network interface device which can communicate with other devices via a **local area network (LAN)** using various protocols and frame types, and which can be remotely reconfigured to use different protocols and frame types. Clearly, Kraslavsky is unconcerned with (and provides no disclosure directed to) the sending of IPX/SPX Routing Information Protocol (RIP) request packets **over the Internet**, nor the sending of IPX/SPX Routing Information Protocol (RIP) request packets **over the Internet to IPX subnets connected within a specified number of hops** (i.e., routers).

The Examiner asserts that Kraslavsky fails to teach that a "set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers." To overcome this glaring deficiency of Kraslavsky, the Examiner alleges that Rune teaches that a "set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers." Rune, FIGS. 4, 5, 7, 8, 9, 10; column 4, lines 37-43. This statement is technically incorrect and completely without merit. In particular, Rune refers exclusively to a TCP/IP network **and is completely silent with regard to IPX/SPX**. Therefore, Rune cannot possibly teach a "set of network numbers may be used to send an **IPX/SPX packet** to a subnet included within the set of network numbers." As such, one of ordinary skill in the art would not be motivated to combine the teachings of Kraslavsky and Rune in the manner suggested by the Examiner.

Chen and Jorgensen fail to remedy the deficiencies of Kraslavsky and Rune.

Conclusion

In summary, Appellant submits that claims 12-18 and 20 are allowable because the cited references, taken alone or in combination, fail to disclose each and every feature set forth in the claims as required by 35 U.S.C. 103(a).

Respectfully submitted,

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CLAIMS APPENDIX

12. A system for simulating a TCP/IP environment in an IPX/SPX network, the system comprising:

a request sender for sending an IPX/SPX Routing Information Protocol (RIP) request packet over the Internet to IPX subnets connected within a specified number of hops;

a responses collector for receiving responses to the RIP request packet from the IPX subnets, each response having a response IPX NetNumber and a response number of hops; and

a responses filter for filtering the responses to remove responses in which the response number of hops is greater than the specified number of hops to produce a set of network numbers,

wherein the set of network numbers may be used to send an IPX/SPX packet over the Internet to a subnet included within the set of network numbers.

13. The system of claim 12, wherein the responses filter further stores the set of network numbers in a table.

14. The system of claim 13, wherein the table of network numbers may be accessed to locate a server located on an IPX/SPX network in the case of a failure to locate a corresponding TCP/IP address for a web server.

15. The system of claim 12, further comprising an IPX/SPX broadcast module for broadcasting the IPX/SPX packet to a selected subnet.

16. The system of claim 15, wherein the IPX/SPX broadcast module uses a broadcast number of hops to indicate the selected subnet.

17. The system of claim 12, wherein the request sender sends the IPX/SPX Routing Information Packet in response to the sending of the IPX/SPX packet having a sending number of hops that is greater than the specified number of hops.

18. The system of claim 12, wherein the request sender sends the IPX/SPX Routing Information Packet in response to a DNS response indicating a failure to locate a TCP/IP address for a requested web server.

20. The system of claim 12, wherein the request sender periodically sends the IPX/SPX Routing Information Packet according to a pre-defined schedule.

EVIDENCE APPENDIX

No evidence has been submitted.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.